

IC 34-37

**ARTICLE 37. EVIDENCE: DOCUMENTARY AND
OTHER WRITTEN EVIDENCE IN GENERAL**

IC 34-37-1

Chapter 1. Documentary Evidence in General

IC 34-37-1-1

**Sealed and unsealed writings; conveyances; compromise or
settlement**

Sec. 1. (a) There is no difference in evidence between sealed and unsealed writings. Every writing that is not sealed has the same force and effect that it would have if sealed.

(b) A writing under seal, except conveyances of real estate or any interest in real estate, may be changed or altogether discharged by a writing not under seal.

(c) An agreement in writing, without a seal, for the compromise or settlement of a debt, is as obligatory as if a seal were affixed.

As added by P.L.1-1998, SEC.33.

IC 34-37-1-2

Execution of instrument; seal

Sec. 2. The execution of an instrument is the subscribing and delivering of the instrument with or without affixing a seal.

As added by P.L.1-1998, SEC.33.

IC 34-37-1-3

Recitals in instrument; seal

Sec. 3. Recitals in any written instrument have no greater effect than they have had in writings not under seal.

As added by P.L.1-1998, SEC.33.

IC 34-37-1-4

Seal to deed; savings clause

Sec. 4. Sections 1, 2, and 3 of this chapter do not repeal or affect any Indiana statute expressly requiring a seal to a deed or other instrument.

As added by P.L.1-1998, SEC.33.

IC 34-37-1-5

Notary public; certificates or instruments

Sec. 5. Certificates or instruments, either printed or written, purporting to be:

- (1) the official act of a notary public of this state, of the District of Columbia, or of any other state or territory of the United States; and

- (2) under the seal and signature of a notary public;

shall be received as presumptive evidence of the official character of the instrument and of the facts set forth in the instrument.

As added by P.L.1-1998, SEC.33.

IC 34-37-1-6

Notice; affidavit; presumptive evidence

Sec. 6. The original affidavit and copy of a notice published in a newspaper, which are filed under IC 34-32-1-3 (or IC 34-1-18-8 before its repeal), and copies of the affidavit and notice, duly certified by the clerk, are presumptive evidence in all cases and before every court of the facts contained in the affidavit.

As added by P.L.1-1998, SEC.33.

IC 34-37-1-7

Affidavits; foreign states; authenticated

Sec. 7. When an affidavit taken in another state is:

(1) certified by the officer or justice of the peace taking the affidavit, under the:

(A) hand of the officer or justice of the peace; and

(B) seal of office, if the officer or justice of the peace has a seal; and

(2) attested by the clerk of the:

(A) circuit or district court; or

(B) court of common pleas;

of the county where the officer exercises the duties of office, under the hand of the clerk and seal of the court; and

the clerk certifies that the officer or justice of the peace is, by the laws of the other state, duly empowered to administer oaths and affirmations and to take affidavits, the affidavit is sufficiently authenticated and may be received and used in any Indiana court.

As added by P.L.1-1998, SEC.33.

IC 34-37-1-8

Copies of records; deeds; office books; official bonds

Sec. 8. Exemplifications or copies of records, records of deeds, other instruments, office books, parts of office books, and official bonds that are kept in any public office in Indiana shall be proved or admitted as legal evidence in any court or office in Indiana:

(1) by the attestation of the custodian of the records, books, deeds, other instruments, or official bonds that the copies are true and complete copies of the records, bonds, instruments, books, bonds, or parts of the records, books, deeds, other instruments, or official bonds in the custodian's custody; and

(2) by:

(A) the annexation by the custodian of the seal of office of the custodian if there is a seal; or,

(B) if there is no official seal, by the attachment to the attestation described in subdivision (1) of the certificate of the clerk and the seal of the circuit or superior court of the proper county where the custodian resides, that the attestation is made by the proper officer.

As added by P.L.1-1998, SEC.33.